

SCOTTSDALE

CITY COUNCIL MEETING

AMENDED MEETING NOTICE AND AGENDA

[ITEM No. 3 WITHDRAWN]



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, October 7, 2008

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:02 PM

Roll Call – ALL PRESENT

Pledge of Allegiance – CARLYN SHEPP, SCOTTSDALE EXPLORER POST NO. 908

Invocation – PASTOR BRIAN DUNN, SCOTTSDALE FIRST ASSEMBLY CHURCH

City Manager's Report – ASSISTANT CITY MANAGER NEAL SHEARER ANNOUNCED A HAWK CONTROLLED TRAFFIC DEVICE WILL BE INSTALLED ON CHAPARRAL ROAD TO PROVIDE A PROTECTED PEDESTRIAN CROSSING EAST OF 78TH STREET. HE SAID THE LIBRARY COLLECTED OVER 5,300 FOOD ITEMS DURING THE ANNUAL FOOD FOR FINES DRIVE AND THOSE ITEMS WERE DONATED TO THE VISTA DEL CAMINO FOOD BANK. THE CITY RECEIVED RECOGNITION IN THE ANNUAL NEW TIMES AWARDS FOR THE SCOTTSDALE CIVIC CENTER MALL, SCOTTSDALE LIBRARY, AND SCOTTSDALE STADIUM. THE ARABIAN LIBRARY WAS HONORED WITH AN AWARD FROM THE AMERICAN INSTITUTE OF ARCHITECTS FROM ARIZONA. HE INVITED RESIDENTS TO PARTICIPATE IN A DOCUMENT SHREDDING AND CRIME PREVENTION EVENT SCHEDULED FOR OCTOBER 11TH FROM 9 AM TO NOON AT 7601 E. SHEA BOULEVARD. CITIZENS WHO RESIDE IN SINGLE-FAMILY HOMES LOCATED SOUTH OF INDIAN BEND ROAD ARE INVITED TO REGISTER FOR SCOTTSDALE DESIGN DAY TO BE HELD OCTOBER 25, 2008 FROM 8:30 A.M. TO 2:30 P.M. AT THE GRANITE REEF SENIOR CENTER.

Presentations/Information Updates

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[September 9, 2008](#)

Public Comment – SUZAN CURTIN PRESENTED A CITIZEN PETITION REQUESTING THE CONSTRUCTION OF A SOUND OR PRIVACY WALL NEAR INDIAN SCHOOL ROAD. STUART TOBIN SPOKE IN SUPPORT OF THE CITIZEN PETITION PRESENTED. LAUREN SHAPIRO SPOKE IN SUPPORT OF BID BRIDGE, AND SAID IT IS AN ON-LINE PROCUREMENT TOOL THAT WOULD ASSIST THE CITY'S PURCHASING EFFORTS.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

CONSENT AGENDA

ITEMS 1-8

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How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Dinner Only Liquor License (73-LL-2008) – APPROVED ON CONSENT**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

Location: 6166 N. Scottsdale Road, Suite 701

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

2. **The Lodge Liquor License (74-LL-2008) – APPROVED ON CONSENT**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

Location: 4422 N. 75th Street

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

***3. **Sheraton Desert Oasis Bingo Application (1-BINGO-2008) - WITHDRAWN**
(Withdrawn)

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

4. **Settlement of Elda L. Baker v. City of Scottsdale – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 7748** authorizing the City to enter into a settlement with the plaintiff for a total sum not to exceed \$40,000.00 in the matter of Elda L. Baker v. City of Scottsdale, Maricopa County Superior Court No. CV2006-000996, currently pending in Maricopa County Superior Court.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

5. **Settlement of Constance P. Cohen, et al. v. City of Scottsdale – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 7747** authorizing the City to enter into a settlement with the plaintiffs for a total sum not to exceed \$400,000.00 in the matter of Constance P. Cohen, et al. v. City of Scottsdale, Maricopa County Superior Court No. CV2007-021312, currently pending in Maricopa County Superior Court.

Staff Contact(s): Deborah Robberson, City Attorney, 480- 312-2405, drobberson@scottsdaleaz.gov

CONSENT AGENDA

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6. **Confirm the Appointment of a New Director to the Municipal Property Corporation and Scottsdale Preserve Authority Boards – APPROVED ON CONSENT**
Request: Confirm the appointment of Mr. James Jenkins as a new Director on the Municipal Property Corporation and Scottsdale Preserve Authority boards.
Related Policies, References:
 - Municipal Property Corporation bylaws adopted in 1967, as amended
 - Scottsdale Preserve Authority bylaws adopted in 1997**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov; Lee Guillory, Finance Manager, 480-312-7084, lguillory@scottsdaleaz.gov
7. **FY 2007/08 Capital Contingency Transfer and Projects Close-out – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7719** authorizing a CIP Contingency Budget transfer of \$232,570.00 to close out Project Y0723; and \$9,303.00 contingency transfer to close out Project Y0823.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
8. **Designation of City-owned Land at Skysong Site for Public Utility Corridors – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7722** authorizing the designation of a portion of City-owned land for dedication as public utility corridors.
Related Policies, References:
 - On July 6, 2004, Council approved Lease Agreement No. 2004-119-COS with the ASU Foundation. This established a ground lease for development of the ASU-Scottsdale Center for New Technology and Innovation, now known as Skysong.
 - On July 10, 2006, Council approved Amended Lease Agreement No. 2004-119-COS-A1 with the ASU Foundation. This allowed for the addition of residential uses in the project and adjusted the City of Scottsdale responsibility for infrastructure improvement funding from \$44.5M to \$41.5M.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

9. Fiscal Year 2008/09 Matching Event Advertising Funding Program –

MOTION TO REDUCE FUNDING FOR SEVEN EVENTS TO \$15,000 EACH AND PROVIDE \$7,000 IN FUNDING TO FESTIVAL OF THE WEST

AMENDED MOTION TO ADOPT RESOLUTION NO. 7743 APPROVING FUNDING FOR THE MATCHING EVENT ADVERTISING PROGRAM AND ADDING THE FESTIVAL OF THE WEST EVENT TO THE LIST AND AUTHORIZING FUNDING IN THE AMOUNT OF \$18,000 LESS 20 PERCENT, CONTINGENT UPON THE EXECUTION OF A SIGNED AGREEMENT – FAILED – 3/4 (MM, JL, RL, RM)

MOTION TO ADOPT RESOLUTION NO. 7743 SUBJECT TO THE QUALIFICATION OF ASKING THE TOURISM DEVELOPMENT COMMISSION TO INCLUDE AN ALLOWANCE FOR FUNDING OF THE FESTIVAL OF THE WEST WITHIN THEIR \$129,457 BUDGET

AMENDED MOTION TO REDUCE FUNDING IN THE AMOUNT OF \$1,000 EACH TO BARRETT-JACKSON COLLECTOR CAR EVENTS, CELEBRATION OF FINE ART, RUSSO & STEELE SPORTS & MUSCLE, SUN CIRCUIT QUARTER HORSE SHOW, 54TH SCOTTSDALE ARABIAN HORSE SHOW, ARIZONA BIKE WEEK AND SCOTTSDALE CULINARY FESTIVAL AND CONTRIBUTE \$7,000 TO THE FESTIVAL OF THE WEST, CONTINGENT UPON THE EXECUTION OF A SIGNED AGREEMENT WITH FESTIVAL OF THE WEST – OK – 6/1 (TN)

Requests: Adopt **Resolution No. 7743** authorizing funding for the Fiscal Year 2008/09 Matching Event Advertising program from the tourism development portion of the bed tax in the total amount of \$129,457, and at the individual amounts listed in the Council Report; and authorizing and directing the Mayor to execute, on behalf of the City, individual agreements with each approved event producer.

Related Policies, References: Ordinance Nos. 2049, 2702, and 3577 (amended) provides for the expenditure of bed tax funds for promotion of qualified events.

Staff Contact(s): Harold Stewart, Acting Economic Vitality Manager, 480-312-2311, hstewart@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

Public Comment – NONE

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Mayor and Council Items – NONE

Adjournment – 6:11 PM